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**DEC 21 2004**

Attorney Docket No. 741890-0019

**RESPONSE UNDER 37 CFR 1.116 - EXPEDITED  
PROCEDURE - EXAMINING GROUP 3700**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT application of )  
Martin CALDWELL et al. ) Confirmation No.: 1585  
Application No. 09/936,723 ) Group Art Unit: 3731  
Filed: March 1, 2002 ) Examiner: Jessica R. Baxter  
Confirmation No. 1585 )  
For: A SURGICAL ACCESS DEVICE )

**AMENDMENT AFTER FINAL**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment is in response to the final Office Action dated April 19, 2004, in connection with the above-identified patent application. In response and in accordance with Rule 1.116 of the Rules of Practice, please consider the following amendments and remarks for the purpose of allowance, or in the alternative, to narrow the issues on Appeal.

Please consider the following amendments and remarks.